

EXHIBIT H

1 IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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SOUTHERN DISTRICT OF NEW YORK

2) 09:23:02
3) 09:23:02
4) - - - - - - - - - - - - - - - X 09:23:02
5) GEN-PROBE INCORPORATED,) NO. 99cv2668 H (AJB) 09:23:02
6) Plaintiff,) 09:23:02
7) VS.) 09:23:02
8) VYSIS, INC.,) 09:23:02
9) Defendant.) 09:23:02
0) - - - - - - - - - - - - - - - X 09:23:02
1) 09:23:02

CONFIDENTIAL

11 Videotaped Deposition of 09:23:02
12 JONATHON MICHAEL LAWRIE, Ph.D. 09:23:02
13 Durham, North Carolina 09:23:02
14 Thursday, February 15, 2001 09:23:02
15

COPY

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1 disclosed and claimed in the 338 patent is limited 17:38:44
2 to any particular type of amplification? 17:38:48

3 MR. BOWEN: Objection, calls for a legal 17:38:50
4 conclusion. 17:38:53

5 A. You know, it's limited to the definition 17:39:05
6 we had in there for amplification so it was in 17:39:08
7 vitro, for example. 17:39:13

8 Q. Do you believe the invention disclosed 17:39:17
9 and claimed in the 338 patent is limited to the use 17:39:19
10 of nonspecific amplification? 17:39:25

11 MR. BOWEN: Objection, calls for a legal 17:39:28
12 conclusion. Leading. 17:39:30

13 A. No, it's not limited to nonspecific 17:39:39
14 amplification. 17:39:43

15 Q. Now earlier today Mr. Bowen focused you 17:39:45
16 on some portions of the specification at Column 30. 17:39:49
17 Do you have the 338 patent in front of you, 17:39:54
18 Exhibit 37? If you could look at Column 30? 17:39:59

19 Specifically it's Column 30, starting at 17:40:13
20 Line 30, where it says, "Amplification of the 17:40:15
21 target nucleic acid sequences, because it follows 17:40:19
22 purification of the target sequences, can employ 17:40:22
23 nonspecific enzymes or primers." Do you see that? 17:40:25

24 A. Yes. 17:40:27

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1 CERTIFICATE OF REPORTER 17:51:49
2 STATE OF NORTH CAROLINA) 17:51:49
3 COUNTY OF MECKLENBURG) 17:51:49
4 I, Sydney C. Silva, Notary Public within 17:51:49
5 and for the State of North Carolina, do hereby 17:51:49
6 certify: 17:51:49
7 That JONATHON MICHAEL LAWRIE, Ph.D., 17:51:49
8 the witness whose deposition is hereinbefore set 17:51:49
9 forth, was duly sworn by me and that such 17:51:49
10 deposition is a true record of the testimony given 17:51:49
11 by the witness. 17:51:49
12 I further certify that I am not related 17:51:49
13 to any of the parties to this action by blood or 17:51:49
14 marriage, and that I am in no way interested in the 17:51:49
15 outcome of this matter. 17:51:49
16 IN WITNESS WHEREOF, I have hereunto set 17:51:49
17 my hand this 23rd day of February, 2001. 17:51:49
18 17:51:49
19 17:51:49
SYDNEY C. SILVA
Notary Public in and for the
State of North Carolina
My Commission expires May 16, 2001.